

REMARKS

Claims 1-20 are pending in the application. Claims 1-20 are hereby canceled and new claims 21-44 are added. Support for new claims 21-44 is detailed in the table below.

New Claim Number(s)	Support
21, 22, 28, 29	Page 18, lines 11-27; and age 15, lines 13-17
23, 30	Page 69, line 21 through page 70, line 34
24, 25, 26, 31, 32, 33, 36, 37, 38, 41, 42, 43	Page 19, lines 19-28; and original claim 5
27, 34, 39, and 44	Page 41, lines 1-17
35	Page 15, lines 13-17; and page 70, lines 10-20
40	Originally filed claim 2

The Specification is amended to: provide a descriptive title, update the patent family status of the present application, and comply with the sequence rules.

Applicants believe no new matter is added by the foregoing amendments.

I. Miscellaneous Issue

The Applicants respectfully bring the Examiner's attention to page 2 of the present Office Action. The Examiner states that claims 1-20 had previously been canceled in a paper filed January 20, 2004, and that claims 21-30 are pending. The current application was filed on February 10, 2004. Applicants records do not indicate that claims 1-20 were ever canceled prior to the current amendment and response. Applicants also checked with PAIR and confirm that the originally filed claims were not previously canceled. The transaction history print out is attached for the Examiner's convenience. Applicants respectfully request that the Examiner confirm that originally filed claims 1-20 were not previously canceled. Applicants are proceeding to respond to the current office action presuming that original claims 1-20 have not been canceled previously.

II. Restriction Requirement

Applicants note that the Examiner found that examining human and mouse MDL-1 proteins together would not be a serious burden. Applicants thank the Examiner for rejoining these two groups.

III. Objections to the Specification

The Examiner objected to the specification for the following reasons: failure to comply with the sequence rules, the requirement of a descriptive title, and the need to update the priority claim. Applicants have amended the specification above to address these issues, and believe the objections are now moot. Withdrawal of these objections is respectfully requested.

IV. Objection to the Claims

The Examiner objected to claims 1-4 as being drawn to non-elected inventions. Claims 1-4 are canceled and the objection is therefore moot as to these claims. Applicants submit that new claims 21-44 are free from this rejection. In view of the foregoing, withdrawal of this objection to claims 1-4 is respectfully requested.

V. Rejection of Claims 1-6 under 35 U.S.C. 112, First Paragraph

The Examiner rejected claims 1-6 under 35 U.S.C. 112, first paragraph on the basis that these claims do not comply with the written description requirement. Claims 1-6 are canceled and the rejection is therefore moot as to these claims. The rejection is based upon the recitation of polypeptides having identity over at least about 12 amino acids of SEQ ID NO: 12 or 14. Applicants submit that new claims 21-44 do not recite this language and therefore comply with the written description requirement.

The Examiner also rejected claims 1-6 under this section for not being enabling for polypeptides having identity over at least about 12 amino acids of SEQ ID NO: 12 or 14. As claims 1-6 are canceled, this rejection is therefore moot as to these claims. Applicants again submit that new claims 21-44 do not recite this language and therefore are fully enabled.

For the above reason, Applicants believe that the rejection of claims 1-6 under 35 U.S.C. 112, first paragraph, is overcome. Withdrawal of this rejection is respectfully requested.

VI. Rejection of Claims 1-6 under 35 U.S.C. 112, Second Paragraph

The Examiner rejected claims 1-6 under 35 U.S.C. 112, second paragraph, for being indefinite. Claims 1-6 are canceled and the rejection is therefore moot as to these claims. Applicants submit that new claims 21-44 are clear and definite, and are thus free from this rejection. Withdrawal of this rejection is respectfully requested.

Conclusion

Applicants' current response is believed to be a complete reply to all the outstanding issues of the latest Office action. Further, the present response is a bona fide effort to place the application in condition for allowance or in better form for appeal. Accordingly, Applicants respectfully request reconsideration and passage of the amended claims to allowance at the earliest possible convenience.

Applicant believes that no additional fees are due with this communication. Should this not be the case, the Commissioner is hereby authorized to debit any charges or refund any overpayments to DNAX Deposit Account No. 04-1239.

If the Examiner believes that a telephonic conference would aid the prosecution of this case in any way, please call the undersigned.

Respectfully submitted,

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Enclosure: PAIR Transaction History Print-out (1 page)

Transaction History

Date	Transaction Description
11-15-2006	Mail Non-Final Rejection
11-13-2006	Non-Final Rejection
06-23-2004	Information Disclosure Statement considered
09-08-2006	Date Forwarded to Examiner
09-05-2006	Response to Election / Restriction Filed
08-08-2006	Mail Restriction Requirement
08-05-2006	Requirement for Restriction / Election
07-14-2004	IFW TSS Processing by Tech Center Complete
07-14-2004	Case Docketed to Examiner in GAU
07-06-2004	Reference capture on IDS
06-23-2004	Information Disclosure Statement (IDS) Filed
06-02-2004	Application Return from OIPE
06-02-2004	Application Return TO OIPE
06-02-2004	Application Return from OIPE
06-02-2004	Application Is Now Complete
06-02-2004	Pre-Exam Office Action Withdrawn
06-02-2004	Application Return TO OIPE
06-01-2004	Application Return from OIPE
06-02-2004	Application Is Now Complete
06-01-2004	Pre-Exam Office Action Withdrawn
06-01-2004	Application Return TO OIPE
06-01-2004	Application Dispatched from OIPE
06-01-2004	Application Is Now Complete
05-21-2004	CRF Is Good Technically / Entered into Database
02-10-2004	CRF Disk Has Been Received by Preexam / Group / PCT
03-30-2004	Cleared by L&R (LARS)
03-18-2004	Referred to Level 2 (LARS) by OIPE CSR
02-23-2004	IFW Scan & PACR Auto Security Review
02-10-2004	Initial Exam Team nn

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